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In the High Court of Judicature at Madras

Dated:20.02.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.38 of 2006

Molappagounder .. Petitioner

vs.

1. The Superintendent of Police
   Namakkal District.

2. The Inspector of Police
   Pallipalayam Police Station
   Crime No.343 of 2005
   Namakkal District.

3. Dharmaraj .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. N. Manokaran
For respondents 1 and 2 : Mr. Abudukumar Rajarathinam
Govt. Advocate (Crl.side)

Mr. S. Ramesh for R.3

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name Molappagounder, has filed this petition. He is a grand father of the detenue, minor Preetha. He has filed this petition for production of minor Preetha from the custody of 3rd respondent before this Court and entrust her lawful custody to the petitioner herein.

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2. Pursuant to the direction of this court, the minor girl Preetha appeared before us. Since her date of birth being 20.09.1988, she is a minor. According to her, she married one Sivakumar, S/o. Thangavel and now she is in the advance stage of pregnancy.

3. The petitioner/grand father of the detenu, her mother also appeared before us. In spite of the fact that the minor girl is in advanced stage of pregnancy, they are not willing to take back herself as well as her husband Sivakumar, who is also present before us. Our further inquiry shows that the detenue is determined to live with her husband Sivakumar. Though the petitioner and mother of the detenue inclined to take the detenue, they are not allowing Sivakumar to accompany her and this is not liked by the detenue. The detenue wants to continue her life with the said Sivakumar. The investigation report reveals that Sivakumar is working in a cycle shop and getting some income. Sivakumar also informed us that as on date his parents are no more.

4. The learned Government Advocate, on instruction, reports that the third respondent, Dharmaraj, has no relationship with the detenue. The above statement is hereby record.

5. Considering the attitude of the detenue though she is a minor and she will attain majority by September, 2006 and of the fact that she is in the advanced stage of pregnancy, as well as taking note of the uncooperative attitude of the petitioner and the mother of the detenue, we permit the minor Preetha to continue her life with Sivakumar. Taking note of the peculiar facts as stated above, we are constrained to pass this order and this shall not be cited as a precedent. The husband of the detenue, viz., Sivakumar, who appeared before us has gave an undertaking that he will report before Pallipalayam Police station once in fortnight for a period of six months to inform his relationship with his wife.

With the above observation, this HCP., is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Superintendent of Police
   Namakkal District.

2. The Inspector of Police
   Pallipalayam Police Station
   Crime No.343 of 2005
   Namakkal District.

3. The Public Prosecutor,
High Court Buildings,
High Court, Madras 104

1 cc to Mr.S.Ramesh, Advocate, Sr. 7894
1 cc to Mr.N. Manokaran, Advocate, Sr. 7738

H.C.P.No.38 of 2006

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